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TAGS: [PHUM](#) [KTIP](#) [ELAB](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [KCRM](#) [CI](#)

SUBJECT: CHILE'S STEADY TIP PROGRESS WARRANTS TIER 2

REF: SANTIAGO 156

¶1. (SBU) SUMMARY: As the GOC is making significant progress in eliminating trafficking in persons, Post strongly recommends that Chile remain a Tier 2 country. GOC prosecution and prevention efforts are substantial and noteworthy, with the number of new cases opened up 10 percent and large-scale programs in place to raise TIP awareness. Chile implemented all of the 2008 TIP recommendations by increasing training, encouraging investigation, and making progress to enact comprehensive TIP legislation. While trafficking remains a concern, Chile's increased efforts and progress in combating TIP warrant its continuation in Tier 2. END SUMMARY.

PROSECUTION: NEW CASES UP, MORE INTERNATIONAL COOPERATION

¶2. (SBU) The GOC has demonstrated progress in prosecuting and punishing trafficking offenders during the last year. In April-December 2008 (the most recent statistics available), the Public Prosecutor's Office (Ministerio Publico -- MP) opened 104 TIP cases. This represents a nearly 10 percent increase compared to the 95 cases opened during the previous reporting period from January-September 2007. The total number of convictions remained relatively constant at ten. The number of cross-border convictions remained the same at two and 68 cases remained pending as of February 2009. An undercover operation led to a conviction in a cross-border trafficking case, a noteworthy achievement as prosecutors and police must obtain permission from a judge to conduct such an operation; permission that has often been denied in other sorts of investigations (such as money laundering).

¶3. (SBU) The Chilean government demonstrated international leadership and political will by organizing an international summit on TIP in Santiago in December 2008. The event attracted approximately 150 public prosecutors, NGO leaders, and other government officials from 21 Latin American countries to discuss prevention, investigation, prosecution, and victims' assistance efforts. President Bachelet's keynote address called for greater international cooperation to combat TIP. Chile backed up its words with deeds -- pursuing 11 international cases involving five countries in 2008 compared to two international cases involving two countries in 2007.

PREVENTION: NEW OUTREACH EFFORTS REACH THOUSANDS

¶4. (SBU) The GOC also made significant efforts to prevent trafficking. From October-December 2008, the GOC sponsored a multi-media anti-TIP public awareness campaign in Chile's airports, bus stations, and main border crossings. The campaign used videos and flyers to provide prevention information to thousands of travelers. The Investigative Police (PDI) organized anti-TIP outreach events in Santiago and the northern city of Ovalle that reached more than 1,000 people. The Santiago program took place in June 2008 and attracted 750 police officers, human rights officers, prosecutors, academics, and social workers. An innovative outreach program conducted jointly by the PDI and the International

Organization for Migration (IOM) trained approximately 225 sex workers in five regions in northern and southern Chile between April 2008 and February 2009 to recognize victims of trafficking. The PDI reported the training lead raised awareness and increased cooperation on TIP issues between sex workers and the police.

CONGRESS MOVING AHEAD ON PREVIOUSLY STALLED LEGISLATION

15. (SBU) After several years of legislative inaction, the Chilean Congress continued its recent engagement on trafficking issues. Following up on the Chamber of Deputies' 2007 passage of draft TIP legislation, the Senate passed the draft TIP law in June 2008. In keeping with standard Chilean legislative procedure, the law is currently being reviewed by the Senate's Constitutional and Human Rights Commissions before it is returned to the Senate floor for a final vote.

INCREASED LAW ENFORCEMENT AND JUDICIAL TRAINING

16. (SBU) The GOC increased law enforcement and judicial training. More than 300 members of the PDI and Carabineros (uniformed police) participated in specialized training to learn how to recognize and assist victims of trafficking. All PDI investigators receive a TIP training manual that explains the causes, methods, and signs of trafficking, and the PDI academy now makes completing course work on trafficking mandatory for new officers. MP staff from Chile's southern provinces participated in a two-day TIP training program in November 2008, and the MP organized training for 20 sex-crimes prosecutors, legal assistants, and professionals from the Public Prosecutor's Division of Attention and Protection of Victims and Witnesses (URAVIT) from around the country on commercial sexual exploitation of children (CSEC) and TIP.

LABOR TRAFFICKING IN CHILE DOES NOT EQUAL FORCED LABOR

17. (SBU) G/TIP's draft TIP report narrative prominently discusses forced labor as a problem in Chile, but the concept of forced labor -- where workers are held against their will, bonded, threatened and intimidated -- does not accurately describe the situation in Chile. Labor trafficking in Chile is most common in the northern region, where migrant workers are lured with the promise of certain working conditions (salaries, benefits, hours) in the agriculture or mining industries, but these promises are sometimes broken. Typical problems include lower salaries and longer hours, but workers are not subjected to forced labor conditions.

18. (SBU) An upcoming report by the Department of Labor's Bureau of International Affairs does not include Chile on the list of countries with a forced labor of children problem. Moreover, the 2008 TIP report did not identify forced labor as a problem in Chile. The GOC is engaged on TIP and should be given the opportunity to respond to allegations of forced labor before it is downgraded because of it.

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